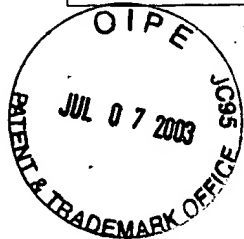




UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

APPLICATION NO./CONTROL NO. 09/368,989	FILING DATE 08/5/99	FIRST NAMED INVENTOR /PATENT IN REEXAMINATION Stevens et al.	ATTORNEY DOCKET NO. 0003/00332
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EXAMINER	
Lisa V. Cook	
ART UNIT	PAPER

1641

DATE MAILED:

RECEIVED
JUL 10 2003
TECH CENTER 1600/2900

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the one month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Lisa V. Cook**, whose telephone number is (703) 305-0808.

Lisa V. Cook
12/18/02

OIPE
JUL 07 2003
PATENT & TRADEMARK OFFICE

Notice to Comply

Application No.
09/368,989

Applicant(s)
Stevens et al.

Examiner
Lisa V. Cook

Art Unit
1641

Paper No 23

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☒ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☒ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: _

Applicant Must Provide:

- ☒ An initial or **substitute** computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or **substitute** paper copy of the "Sequence Listing", as well as an amendment directing its entry into the **specification**.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216 or (703) 308-2923

For CRF Submission Help, call (703) 308-4212

Patent Software Program Support

Technical Assistance.....703-287-0200

To Purchase Patent Software.....703-306-2600

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TECHNICAL CENTER 1600



#26
7/11/03
W

PATENT

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Stevens, et al.
Title: DEVICE FOR DETECTING MOLECULES, METHOD FOR
DETECTING MOLECULES
Serial No.: 09/368,989
Filing Date: August 5, 1999
Attny Docket: 0003/00332
Examiner: Ms. Lisa V. Cook
Art Unit: 1641

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CERTIFICATE OF MAILING: I hereby certify that this correspondence is being deposited with the United States Postal Service as first Class Mail, pursuant to 37 C.F.R. 1.8 to the Assistant Commissioner for Patents, Alexandria, VA 22313-1450 on July 2, 2003.

Aracely Sandoval		July 2, 2003
Name of Representative	Signature of Representative	Date of Signature

Mail Stop Sequence	20 N. Wacker Drive
Commissioner for Patents	Chicago, IL 60606
P.O. Box 1450	312-621-1330
Alexandria, VA 22313-1450	

STATEMENT PURSUANT TO 37 C.F.R. §1.821

Sir:

The undersigned hereby states, in accordance with 37 C.F.R. §1.821(f), that the paper copy of the enclosed sequence listing and the computer-readable copy of the sequence listing are the same.

The undersigned further submits, in accordance with 37 C.F.R. §1.821(g) that the submissions enumerated in paragraph one (1) herein contain no new matter.

Respectfully submitted,
CHERSKOV & FLAYNIK

By
Michael J. Cherskov (33,664)